

DEC 20 2 2002
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

11/26/02
Date

Paula S. Linkhart
Signature

16348
#10
Amick, B./
Elec.
12/02/02
TECH CENTER 1600/2900
RECEIVED
DEC 06 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Lieven Stuyver

Serial No.: 09/720,435

Filed: June 25, 2001

For: METHOD FOR DETECTION OF DRUG-
SELECTED MUTATIONS IN THE HIV
PROTEASE GENE

Confirmation No.: 1489

Group Art Unit: 1634

Examiner: Gary Williams.

Atty. Dkt. No.: 11362.0030.PCUS00
(INNS030---)

RESPONSE TO RESTRICTION REQUIREMENT DATED OCTOBER 1, 2002

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Restriction Requirement dated October 1, 2002 for which the date for response was November 1, 2002.

A request for a one month extension of time to respond is included herewith along with the required fee. This one-month extension will bring the due date to December 1, 2002, which is within the six-month statutory period. The Commissioner is authorized to charge the fee of \$110.00 to Deposit Account No. 01-2508/11362.0030.PCUS00 for a one-month extension of time. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason

12/12/2002 MULLART 00000001 01508
01 FC:1202 72.00

relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11362.0030.PCUS00.

AMENDMENT

Please make the following amendments:

IN THE CLAIMS:

Please cancel claims 2, 10 and 11 without disclaimer and without prejudice to filing one or more divisional applications therefor.

Please amend claims 1, 3, 5, 6, 9 and 12 to read as follows:

- bcl
1. **(Amended)** Method for determining the susceptibility to antiviral drugs of HIV viruses in a biological sample, with said method comprising:
- a) if need be, releasing, isolating or concentrating the polynucleic acids present in the sample;
 - b) if need be amplifying the relevant part of a protease gene of HIV with at least one suitable primer pair;
 - c) hybridizing the polynucleic acids of step a) or b) with at least two probes specifically hybridizing to a target sequence of the HIV protease gene, said target sequence selected from the group consisting of codon 30; codon 46 and/or 48; codon 50; codon 54; codon 82 and/or 84; codon 90; or the complement of said probe;
wherein said probes specifically hybridize to any of the target sequences presented in figure 1, or Table 3, or to the complement of said target sequences;
wherein said probes are capable of simultaneously hybridizing to their respective targets under appropriate hybridization and wash conditions;
wherein said probes are immobilized on a solid support; and
 - d) inferring from the result of step c) whether or not a mutation giving rise to drug resistance is present in any of said target sequences.
- B'